

### **REMARKS**

At the outset, Applicants wish to thank the members of the Pre-Appeal Review Panel for agreeing to withdraw the Final Rejection of April 26, 2010 and process the instant application for allowance. To that end and further to a telephonic interview today with Examiner Tsay, Applicants have herewith amended claim 2 to clarify the “treatment” of step (iii). Support for the now claimed step of “purifying” the at least one coagulation factor from the [fibrinectin precipitate] composition obtained from process steps (i) and (ii) is found in the specification as originally filed, particularly at page 6, lines 11-26 and in original claim 16. Accordingly, no new matter has been added.

In the telephonic interview, Examiner Tsay suggested that the pending claims may be obvious over the claims of issued U.S. Patent No. 7,659,247 and thus arguably rejected on the grounds of obviousness-type double patenting. While Applicants disagree with the Examiner's characterization of the overlapping subject matter and her suggestion of obviousness, Applicants nevertheless include herewith a duly executed terminal disclaimer over the '247 Patent. However, Applicants wish to reiterate that the terminal disclaimer and accompanying claim amendments submitted herewith are presented solely for the purpose of expediting prosecution and should not be construed as Applicants' agreement with or acquiescence to the grounds of rejection previously set forth or subsequently suggested.

### **CONCLUSION**

In view of the above, Applicant respectfully submits that claims 2, 4-8, 10-15, 17, and 24 are in condition for allowance and respectfully request an early notification of such.

The Notice of Appeal filed July 26, 2010 extended the period for response an additional two months, up to **September 26, 2010**. Accordingly, Applicants respectfully submit that this response is timely and no fee is required. However, in the event that further fees are required to enter the instant response and/or maintain the pendency of this application, the Commissioner is authorized to charge such fees to our Deposit Account No. 50-2101.

If the Examiner has any questions or concerns regarding this communication, she is invited to contact the undersigned.

Respectfully submitted,

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